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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SEYE, ABDOU K

ART UNIT

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2194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,303	Applicant(s) HEPWORTH ET AL.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-32 are pending in this application.

Claim Objections

2. Claims 1 and 15-17 are objected to because of the following typographical error:

Claims 1 and 15-17, line 5 contain this expression “ memory “. The examiner considers a missing character “ a ” in front of the above expression as a typographical error from the applicant.

Corrections are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

4. Claims 1 and 15-17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim claims both apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph.

*>*IPXL Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005);< *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) *>; it's

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unclear whether the applicant is trying to claim a system or a method. It is confusing to the examiner. The claims must be amended to overcome the above referenced rejections.

Dependant claims 2-14 are also affected by these claims rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 8-10, 13, 15-21, 25, 28 and 30-32 are rejected under 35 U.S.C. 102 (b) as being anticipated by Catan (US 20020143643).

7. As to claims 1, 15-18 and 30-32, Catan teaches the invention as claimed including an object identifier reader and a method, comprising:

a communication port for communicating with a host computing device (FIG. 1; paragraph 60; where a WAN and LAN are known to include port for connection);
a storage medium (FIG. 1: 110);

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a processor (FIG. 1; paragraph 164);
memory in electronic communication with the processor (paragraph 62); and
instructions stored in the memory, the instructions being executable to implement a
method comprising:

reading an object identifier to obtain data (abstract; FIG. 1: 100 and 120; paragraph
59, 68; symbol readers);

at least one of storing the data in the storage medium and attempting to send the
data to the host computing device (FIG. 1: 140; paragraph 61-62 a storage medium
(140) and attempting to transfer data to a network server that is the host system); and

if the object identifier reader is connected to the host computing device,
attempting to send stored data in the storage medium to the host computing device
(FIG. 1; abstract; paragraph 61-62 and page 19, lines 5-25, sending data after a
connection is established between the portable reader and the host network server).

8. As to claims 2 and 19 Catan teaches, wherein the data are stored in the storage
medium and at least one attempt is made to send the data to the host computing device
(FIG. 1; abstract; paragraph 62; attempt to transfer data to a host network server).

9. As to claims 3 and 20, Catan teaches, wherein at least one attempt is made to send
the data to the host computing device if the storage medium is empty, and wherein the
data are stored in the storage medium if the at least one attempt fails or if the storage
medium is not empty (abstract and paragraph 15).

10. As to claims 4 and 21, they are rejected for the same reasons as claims 3 and 20 above.

11. As to claims 8 and 25, they are rejected for the same reasons as claims 1, 15-18 and 30-32 above.

12. As to claim 9, Catan teaches, wherein the storage medium comprises non-volatile storage (paragraph 164).

13. As to claim 10, Catan teaches, wherein the storage medium further comprises volatile storage (paragraph 164).

14. As to claims 13 and 28, Catan teaches, wherein the method further comprises disconnecting from the host computing device if the object identifier reader is connected to the computing device and the object identifier reader does not have any data to send to the host computing device (abstract).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5-6 and 22-23, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Catan et al (US 20050103854) in view of Zhu et al (US 20050103854).

17. As to claims 5-6 and 22-23, Catan teaches the invention substantially as in claims , 1, 4, 18 and 21 above.. However, Catan does not explicitly teach, wherein reading the object identifier is performed by a main task, and wherein the other steps of the method are performed by a data task that executes in parallel to the main task ; and wherein the data comprise an image, wherein reading the object identifier is performed by a main task, wherein the other steps of the method are performed by a data task, and wherein the main task and the data task execute sequentially .

18. Whereas, in the same field of endeavor; Zhu discloses a hand-supportable digital imaging-based bar code symbol reading device with a main task module and other data module, wherein reading the object identifier is performed by a main task, and wherein the other steps of the method are performed by a data task that executes in parallel to the main task (paragraph 319 and 328 wherein, an execution in parallel of the input/output manager /data task/ and an application /main task); and wherein reading

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the object identifier is performed by a main task, wherein the other steps of the method are performed by a data task, and wherein the main task and the data task execute sequentially (paragraph 348; wherein an execution of a main task is sequentially followed by the execution of a data output procedure).

19. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Catan's invention with Zhu's invention to include a mechanism wherein the reading of object identifier is performed by executing a main task and a data task in parallel or by executing a main task and a data task sequentially. One would be motivated to execute in parallel or sequentially a main task and a data task in order to efficiently use a bar code reader for live video operation or controlling network system from an internet browser(Zhu's; paragraph 574).

20. As to claims 7 and 24, Zhu teaches, wherein the method further comprises clearing the stored data from the storage medium when the stored data are sent to the computing device (paragraph 347).

21. Claims 11-12 and 26-27, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Catan (US 20020143643) in view of Haderle et al (US 6289355).

22. As to claims 11-12 and 26-27, Catan teaches the invention substantially as in claims 1, 15-18 and 30-32, above. However, Catan does not explicitly teach, storing a copy of

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the data as a log; saving metadata in the storage medium to differentiate buffered data from log data.

23. Whereas, in the same field of endeavor; Haderle discloses a system failure when storing data on a relational database system including storing copy record on a log data file; and saving metadata in the storage medium to differentiate buffered data from log data (Fig. 3 and 4, col. 4, lines 5-36).

24. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Catan's invention with Haderle's invention to include data recovery system for failed attempt to store data by storing a copy of the data as a log; saving metadata in the storage medium. One would be motivated to provide a mechanism to recover attempt fails for storing data by storing copy of data as a log and saving metadata in a storage medium in order improve data recovery time after a system failure (Haderle's; col. 4, lines 30-36).

25. Claims 14 and 29, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Catan (US 20020143643) in view of Sato et al (US 20030222150).

26. As to claims 14 and 29, Catan teaches the invention substantially as in claims 1, 15-18 and 30-32 above. However, Catan does not explicitly teach, entering a power-saving

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mode if the storage medium is empty or if the object identifier reader cannot connect to the host computing device after a period of time.

27. Whereas, in the same field of endeavor, Sato discloses a barcode reader entering a power-saving mode if the storage medium is empty or if the object identifier reader cannot connect to the host computing device after a period of time (Fig. 41; paragraph 328).

28. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Catan's invention with Sato's invention to include power-saving mode in a object reader if it cannot connect to the host computing device after a period of time. One would be motivated to provide a power-saving mode mechanism in order to save electrical power to be consumed by an information reading unit (Sato's; paragraph 63).

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Wilz, Sr. et al (6565005) discloses a method and apparatus for programming functional system parameters in optical bar code scanners.

Gollnick et al (20070293258) discloses a system for coupling a multiplicity of RF data collection terminals with host computer means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Abdou Karim Seye/
Examiner, Art Unit 2194

/Thomas Lee/
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